

DRAFT
March 18, 1969

Dear Senator Moss:

It is regrettable that your statement of March 7, 1969, criticizing the "social responsibility" of the cigarette industry for "deliberately stepping up the nicotine" in cigarettes, was grounded on erroneous factual information supplied by the Federal Trade Commission.

You have asked the cigarette companies for comment, and this is their joint reply.

An examination of the Commission's "tar" and nicotine values for the monitor cigarettes employed in the October 1968 tests and the March 1969 tests permits only one conclusion. The Commission's results are distorted, and its inferences as to increases in "tar" and nicotine for the specific varieties, as well as its reported average overall increases, are without foundation.

No comparison can be made between the results reported in the two different tests. The determined "tar" and nicotine values for the controlling "monitor cigarettes" -- which should have remained constant -- in fact changed. The Commission conceded in its reply to you of March 14, 1969, that the value for nicotine obtained

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in its monitor cigarettes employed in the October 1968 test was 1.22 milligrams. The nicotine value was 1.33 mg. in the March 1969 tests, a difference of 8.3%.

If you measure a man's height in October with one ruler, and again the next March with a different length ruler, the results cannot be compared.

Unless the Commission can demonstrate that the monitor cigarettes employed in the two tests in fact differed in nicotine content, and that the second monitor yielded 0.11 mg. more nicotine than the first monitor, the Commission has deceived both you and the public. Only differences in smoking and analytical procedures in the two tests could have produced that different nicotine value for the monitor. Those differences in monitor values invalidate any comparison in the results.

The Commission insisted in its reply letter that the comparison between the two tests is somehow valid because different monitor cigarettes were employed in each test. The Commission did not state that it smoked both monitors at the same time on the same machines and that its asserted difference of .11 mg. was established by such simultaneous testing of monitors. Scientific experience has demonstrated that

relative values for monitor cigarettes can be obtained only by such simultaneous testing.

We do not doubt that the Commission employed two different sets of monitor cigarettes in the two Commission tests. The crucial point is that these two monitors had equivalent nicotine content. When these two monitors were both smoked at the same time on the same machines by four different industry testing laboratories, the nicotine content of the two monitors was found to be no different.

The Commission assertion that the Tobacco Institute Testing Laboratory and the Commission laboratory agreed that the value of the monitor employed in the later test is 1.33 mg. is completely immaterial. The crucial fact, relative to the Tobacco Institute Testing Laboratory, is that when this laboratory tested both monitors at the same time on the same machines, it obtained a difference of 0.01 mg., or less than 1%, between nicotine values of the two monitors. For use as a testing standard, the two monitors were identical in nicotine content. At no time did the Tobacco Institute Testing Laboratory agree that the second monitor yielded 0.11 mg. more nicotine than the first monitor.

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We invite the Commission to come forward with data to show that both monitors were simultaneously tested at the same time on the same machine and that in such testing the second monitor yielded 0.11 mg. more nicotine. If the Commission obtained that difference, its results were erroneous; its smoking and analytical procedures in the two tests were different; and its asserted comparisons unfounded.

It is patently absurd, and without scientific or statistical basis, to attempt to compare, as the Commission did, its third and fourth test results, and to say that there have been increases in nicotine content.

Sincerely yours,

Attachments